THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12675 of 2007

19.06.2007

Between:

P.Manohar Reddy

… Petitioner

AND

The Mandal Revenue Officer, Rajendranagar Mandal, Ranga Reddy District, and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.12675 of 2007

ORDER:

The petitioner is allegedly owner of agricultural lands in survey Nos.40, 48, 50 and 53 of Attapur Village, Rajendranagar Mandal of Ranga Reddy District. Alleging that the owners of neighbouring lands are trying to encroach upon the petitioner's land, he approached the first respondent on 19.11.2005 for survey and fixing boundary stones. The application was forwarded to the second respondent, who issued notice of survey bearing No.F/7820/05, dated 15.04.2006 calling upon M/s.Kondakalla Raghavareddy, Kondakalla Janardhanareddy, Kondakalla Ktrishnareddy, Kondakalla Mallamma, Kondakalla Prabhakarreddy and Kondakalla Lakshmareddy to be present on 19.04.2006 near the land at the time of survey. The petitioner alleges that though on that day, the petitioner and others were present, survey was not conducted and thereafter, in spite of repeated requests, the survey was not conducted. In this writ petition, the petitioner seeks a direction to respondents to complete the survey.

After hearing learned counsel for petitioner and learned Assistant Government Pleader for Revenue (Telangana), this Court is convinced that the jurisdiction under Article 226 of Constitution of India cannot be exercised in a case of this nature. The petitioner's application was acted upon and notice of survey was issued to the petitioner and others. If the survey is not conducted, the remedy of the petitioner is to approach the first respondent or his superior officers to ensure that the survey is completed. A writ of Mandamus in such a matter is misconceived.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

19.06.2007
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